

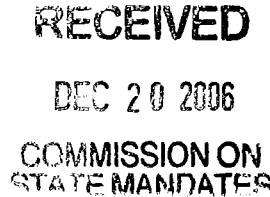
SixTen and Associates

Mandate Reimbursement Services

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December 18, 2006



Paula Higashi, Executive Director
Commission on State Mandates
U.S. Bank Plaza Building
980 Ninth Street, Suite 300
Sacramento, California 95814

Re: Test Claim 02-TC-13
San Jose Unified School District
Pupil Safety Notices

Dear Ms. Higashi:

I have received the Commission's Draft Parameters and Guidelines dated December 7, 2006, to which I respond on behalf of the test claimant.

1. Clarification of Reimbursable Activities (1183.12 (b) (1))

None proposed.

2. Reasonable Methods of Complying (1183.12 (b) (2))

None proposed.

3. Reasonable Reimbursement Method (1183.12 (b) (3))

None proposed. No cost data is available to project a reasonable reimbursement method until the initial claims are filed. The test claimant believes the costs incurred for activity 7, the high school proficiency exam notices, are sufficiently related to a workload unit (number of 11th and 12th grade students) to justify the use of a unit cost allocation in future years. The test claimant may propose an amendment of the parameters and guidelines in future years when cost and workload data is available. The test claimant requests that the Controller's Office be directed to collect this statistic (the number of high school proficiency notices distributed) in its claiming forms.

4. Revenues and Reimbursements (1183.12 (b) (4))

There are no dedicated state or federal funds appropriated for this mandate. There are no known non-local agency funds dedicated to this mandate. There are no school district general purpose funds appropriated for this mandate. There is no fee authority to offset any costs of this program, other than those already identified in the Statement of Decision. Commission staff stated that they have not discovered any appropriations pursuant to Education Code Section 32245 and Welfare and Institutions Code Section 18285 which were made available to districts for purposes of the mandated activities.

5. Offsetting Savings (1183.12 (b) (5))

Offsetting savings are a question of law determined by the test claim adjudication pursuant to Government Code section 17556. The Commission did not identify any offsetting savings for any of the activities approved for reimbursement.

Technical Corrections

PART IV. REIMBURSABLE ACTIVITIES

Nine reimbursable activities are enumerated. To assist the claimants in the preparation of their claims and reduce the number of components for which Controller form - 2's will be required, the test claimant proposes that the nine activities be renumbered, without change to content, and labeled as follows:

<u>Former Number</u>	<u>Proposed Number</u>	<u>Proposed Title of Activities (types of notices)</u>
1.	1. (a)	Lead Risk Factors
2.	1. (b)	
3.	1. (c)	
4.	2.	Confidential Medical Services
5.	3. (a)	Child Abuse Complaint Process
6.	3. (b)	
7.	4.	High School Proficiency Exam
8.	5. (a)	Withholding Grades, Diplomas, and Transcripts
9.	5. (b)	

Objections to Content**PART IV. REIMBURSABLE ACTIVITIES**

For the record and preservation of appeal rights, the test claimant objects to the boilerplate language regarding source documents, contemporaneous documents and corroborating evidence. It is a standard of general application without independent statutory or regulatory basis. It is a standard which generally exceeds the documentation methods utilized in the usual course of business for local agencies and the standard required for substantiation of the use of, or application for, other state funds by local agencies. It is a standard imposed retroactively upon claimants without prior notice. These and other objections were made before by local agency representatives. Notwithstanding, the standard has been adopted by the Commission as boilerplate for parameters and guidelines. Unless there is some interest by the Commission to revisit these issues, the parameters and guidelines can proceed since the boilerplate is consistent with past Commission decisions.

PART V. CLAIM PREPARATION AND SUBMISSION**B. Indirect Cost Rates**

The first two paragraphs of the boilerplate language are surplusage. K-12 claimants are required to use, without modification, the rate developed on the annual school district reporting forms established and controlled by the California Department of Education.

PART VI. RECORD RETENTION

For the record and preservation of appeal rights, the test claimant objects to the language regarding the documentation retention requirements. The Commission requires the claimants, as a condition of reimbursement, to retain claim documentation until the State Controller's statute of limitation for audit expires. Government Code Section 17558.5 provides no specific date for the termination of the documentation requirement, it is conditioned on subsequent independent actions by the state, that is, appropriations for mandate reimbursement, and subsequent independent acts by the Controller, that is, payment of a claim. There is no factual relationship between the content and integrity of the claim and the date of payment. Therefore, at the time the claim is filed, the claimant has no method to determine the documentation retention period, contrary to the purpose of the statute and these parameters and guidelines. It is a standard imposed retroactively upon claimants without prior notice. These and other objections have been made before by local agency representatives. Notwithstanding, the standard has been adopted by the Commission as boilerplate for parameters and guidelines. Unless there is some interest by the Commission to revisit

these issues, the parameters and guidelines can proceed since the boilerplate is consistent with past Commission decisions.

CERTIFICATION

I hereby declare, under the penalty of perjury under the laws of the State of California, that the information in this document is true and correct to the best of my own knowledge or information or belief.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith B. Petersen", written in a cursive style.

Keith B. Petersen

C: Per COSM Distribution List Attached

DECLARATION OF SERVICE

RE: Test Claim 02-TC-13
Pupil Safety Notices

COSM Mailing List updated 5/25/06

I declare:

I am a resident of the County of San Diego. My place of employment is 5252 Balboa Avenue, Suite 900, San Diego, CA 92117. I am over the age of 18 years and not a party to the within entitled matter.

On the date indicated below, I served by U.S. Mail a four-page letter from Keith B. Petersen, President, SixTen and Associates, dated December 18, 2006, in response to the Commission on State Mandates December 7, 2006 Draft Parameters and Guidelines for the above referenced matter. The letter was mailed to the Commission mailing list referenced above and to:

Paula Higashi, Executive Director
Commission on State Mandates
U.S. Bank Plaza Building
980 Ninth Street, Suite 300
Sacramento, California 95814

☒ **U.S. MAIL:** I am familiar with the business practice at SixTen and Associates for the collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at SixTen and Associates is deposited with the United States Postal Service that same day in the ordinary course of business.

☐ **OTHER SERVICE:** I caused such envelope(s) to be delivered to the office of the addressee(s) listed above by:


(Describe) _____

☐ **FACSIMILE TRANSMISSION:** On the date below from facsimile machine number (858) 514-8645, I personally transmitted to the above-named person(s) to the facsimile number(s) shown above, pursuant to California Rules of Court. A true copy of the above-described document(s) was(were) transmitted by facsimile transmission and the transmission was reported as complete and without error.

☐ A copy of the transmission report issued by the transmitting machine is attached to this proof of service.

☐ **PERSONAL SERVICE:** By causing a true copy of the above-described document(s) to be hand delivered to the office(s) of the addressee(s).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 18, 2006, at San Diego, California.


Diane Bramwell

Commission on State Mandates

Original List Date: 2/24/2003
Last Updated: 5/25/2006
List Print Date: 12/07/2006
Claim Number: 02-TC-13
Issue: Pupil Safety Notices

Mailing Information: Notice of adopted SOD

Mailing List

TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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